IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.2046 OF 2004
WITH
CRI.W.P.NO.2047 OF 2004
WITH
CRI.W.P.NO.2048 OF 2004
WITH
CRI.W.P.NO.2053 OF 2004
WITH
CRI.W.P.NO.2055 OF 2004
WITH
CRI.W.P.NO.2057 OF 2004
WITH
CRI.W.P.NO.2058 OF 2004
WITH
CRI.W.P.NO.2063 OF 2004
WITH
CRI.W.P.NO.2064 OF 2004

M/s.Scan Organics Ltd. and
Ors. ..Petitioners

Vs.

M/s.Lok Housing &
Constructions Ltd.
and Anr. ..Respondents

...

Mr.Subhash Jha i/b M/s. Law Global for
Petitioners
Mr.Mahesh Jethmalani with Mr.S.N.Raj
for Respondent no.1
Mr.Rajesh More A.P.P. for State
in 2046, 2047, 2048 and 2053 of 2004
Mr.Y.S.Shinde A.P.P. for State
in 2055, 2057, 2058, 2063 and 2064
of 2004.

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 27, 2005

P.C.

1. Heard the learned advocate for the petitioners, learned counsel for respondent no.1-original complainant and the learned A.P.P. for the State in all the above matters.

2. The petitioners are seeking quashing of process issued by the learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai in C.C.Nos.1161/S/2002, 586/S/2002, 5563/S/2002, 5339/S/2002, 587/S/2002, 4296/S/2002, 5255/S/2002, 1162/S/2002 and 5073/S/2002. In the said cases process was issued against the petitioners under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the

petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revisions will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks.

. The learned counsel for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revisions.

5. On the necessary revisions being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. All contentions of parties on merits are left open.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]